

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

BIG DAISHOWA SEIKI CO. LTD. and)	
BIG KAISER PRECISION TOOLING, INC.,)	No.: 09 CV 484
)	
Plaintiffs,)	Filed: January 26, 2009
vs.)	
)	Judge Robert Dow
FLEETWOOD INDUSTRIAL SUPPLY)	
CORPORATION and TECHNIKS, INC.,)	JURY TRIAL DEMANDED
)	
Defendants.)	

JOINT STATUS REPORT

In accordance with the Court's Minute Order entered on March 4, 2009 and the Standing Order Requiring Initial Status Report, the parties submit this Joint Status Report.

A. The attorneys of record for each party are as follows.

For Plaintiffs, BIG Daishowa Seiki Co. Ltd. and BIG Kaiser Precision Tooling, Inc.:

Todd S. Parkhurst, Esq.
J. Eric Vander Arend, Esq.
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CO-COUNSEL:
William M. Hannay, Esq.
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Phone: (312) 258-5617

Mr. Parkhurst and Mr. Hannay will try the case for the Plaintiffs.

For Defendant Techniks, Inc.:

Bradford P. Lyerla, Esq.
Julianne M. Hartzell, Esq.
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Michael Cook, Esq. (Pro Hac Vice)
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Indianapolis, IN 46204
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Mr. Lyerla, Ms. Hartzell, and Mr. Cook will try the case for Defendant Techniks, Inc.

For Defendant Fleetwood Industrial Supply Corporation:

James K. Borgia, Esq.
Tressler, Soderstrom, Maloney
& Priess, LLP
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2200 Sears Tower
Chicago, IL 60606
Phone: (312) 627-4000

Mr. Borgia will try the case for Defendant Fleetwood Industrial Supply Corporation.

B. **The principal basis for Federal Jurisdiction** is 28 U.S.C. §1338.

C. **The nature of the claims asserted in the Complaint** are: patent infringement, trademark infringement, unfair competition, and failure to mark imported products with the country of origin of those products.

No counterclaims have yet been filed in the case. Defendants' Responses to the Complaint will be filed after this Joint Status Report is filed with the Court.

D. **All parties have been served.**

E. **The principal legal issues in the case** will involve patent infringement, trademark infringement, unfair competition by false advertising, and failure to properly mark imported products with the country of origin. Other issues may emerge from Defendants' Responses to the Complaint.

F. **The principal factual issues in the case** will involve determination of dimensions, tolerances, and fitment of devices known as tool holders in machine tools; assessment of the language used by Defendants in various catalogues and advertising materials regarding the characteristics and compatibility of Defendants' products with Plaintiffs' products; and the marking of Defendants' products with the country of origin. Other issues may emerge from Defendants' Responses to the Complaint.

G. **A jury trial has been demanded by Plaintiffs.**

H. **No discovery has yet been taken.**

(1) Defendants' Responses to the Complaint are now due on Tuesday, March 24, 2009.

(2) Initial disclosures under Rule 26(a)(1) will be served on April 14, 2009.

(3) A further meeting of counsel will be held on April 21, 2009, to set a discovery schedule to submit to the court.

(4) The parties request that the court set a further status date on April 27 or 28, 2009. (Plaintiffs' counsel is unavailable on April 29-30, 2009.)

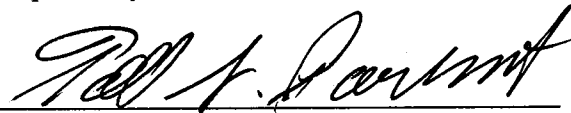
I. **It is not now possible to ascertain, at this early stage of the case, the earliest date the case would be ready for trial, or to estimate the length of the trial.**

J. **The parties do not unanimously consent to proceed before a Magistrate Judge.**

K. **The possibility of settlement was discussed** between counsel for the parties at a meeting between all counsel held on Wednesday, March 18, 2009. Settlement of the case is not possible at this time.

L. **The parties do not now request a Settlement Conference.** In addition, all counsel believe that mandatory mediation of the trademark issues would not be productive at this time (in light of the interrelationship of the trademark, unfair competition, and patent issues) and request the court to defer such mediation.

Respectfully submitted,



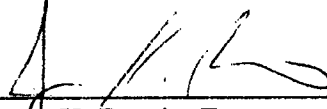
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18 March 09

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